

**PLANNING COMMISSION  
CITY OF ST. GEORGE  
WASHINGTON COUNTY, UTAH  
September 16, 2014 – 5:00 PM**

**MINUTES APPROVED**  
By: RO WILKINSON  
Seconded: DON BUEHNER  
Date: FEB 24, 2015

**PRESENT:**

Chairman Ross Taylor  
Commissioner Ro Wilkinson  
Commissioner Don Buehner  
Commissioner Nathan Fisher (*entered at 5:03 pm*)  
Commissioner Diane Adams  
Commissioner Julie Hullinger  
Commissioner Todd Staheli  
Council Member Joe Bowcutt

**CITY STAFF:**

Assistant Director of Public Works Wes Jenkins  
Planning Manager John Willis  
Planner II Ray Snyder  
Community Development Coordinator Bob Nicholson  
Assistant City Attorney Victoria Hales (*entered at 5:04 pm*)  
Planning Associate Genna Singh

**EXCUSED:**

City Surveyor Todd Jacobsen

**FLAG SALUTE**

Chairman Ross Taylor called the meeting to order at 5:01 pm and asked Commissioner Todd Staheli to lead the flag salute.

Ray Snyder asked to jump to the Conditional Use Permit for a Landmark Site (Item 3B).

*\*\*If following along with the audio, please see Item 3B\*\**

1. **FINAL PLATS (FP)**

- A. Consider approval of a final plat for **“Desert Edge Phase 3”** a ten (10) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at approximately 6050 South and 3470 East (Desert Canyons development south of the Southern Parkway, Exit 6). Case No. 2014-FP-056. (Staff – Todd J.).

Wes Jenkins presented Item 1A.

Wes Jenkins added that when this plat records they will be required to dedicate open space equal to 15% of the area.

- B. Consider approval of a final plat for **"Desert View Phase 1"** a six (6) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at approximately 6080 South and 3390 East (Desert Canyons development south of the Southern Parkway, Exit 6). Case No. 2014-FP-050. (Staff – Todd J.).

*\*\*Assistant City Attorney Victoria Hales returned at 5:36 pm\*\**

Wes Jenkins presented Item 1B.

Wes Jenkins added that this plat will also need to come in with open space dedication.

Councilman Joe Bowcutt asked if open space dedication will be a requirement for all of the plats out there.

Wes Jenkins responded yes, they're hoping to create a *bank* of open space but they don't have that dedicated yet.

- C. Consider approval of a final plat for **"Hoopes Subdivision"** a three (3) lot residential subdivision. The representative is Mr. Reid Pope, L.R. Pope Engineering. The property is zoned R-1-8 (Single Family Residential 8,000 square foot minimum lot size) and is located at approximately 650 East 600 South Street (downtown St. George). Case No. 2014-FP-058. (Staff – Todd J.).

Wes Jenkins presented Item 1C.

Wes Jenkins added there is the 25' staff that serves the two lots. It will either be common area or part of one of the lots. An easement will be dedicated for it for access. Both lots will maintain the access. There will also be a utility easement because sewer will come down the staff as well.

Councilman Joe Bowcutt asked what the requirement is for an emergency vehicle.

Wes Jenkins responded that 20' is the requirement.

- D. Consider approval of a final plat for **"Legends of Cactus Flats"** a twelve (12) lot residential subdivision. The representative is Mr. Roger Bundy, R & B Surveying. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 2300 South and 2010 East Street (north of the LDS Church at 2079 East 2450 South Street). Case No. 2014-FP-030. (Staff – Todd J.).

Wes Jenkins presented Item 1D.

Wes Jenkins noted that there has been a change to this plat since the Preliminary Plat. The three lots by the church (10, 11, and 12) were going to be walk-out basements. As they have done construction it seems like the lots will be flat lots so that will need to be approved upon legal review. With the 3 flat lots the elevation is close to that of the church property's privacy wall. We have to have a note on the plat because lots 10, 11 and 12 will want a privacy wall but that wall would have to be set back half the height of the existing privacy wall.

Commissioner Don Buehner added that this has caused a lot of neighborhood concern. It looks like it's a drainage, erosion, and privacy problem. I don't know why they would be in favor of this.

Wes Jenkins said we haven't looked through it because it just came forward. They are trying to go away from the walkouts. We'll have to address that before the subdivision goes in. Commissioner Nathan Fisher stated that water must be a problem. Wes Jenkins noted that they are most likely leery of walk-out basements due to the market.

Chairman Ross Taylor asked how much fill has been brought in. Wes Jenkins said that it'll be 1' higher than street grade which would take the lots up to the privacy wall. Chairman Ross Taylor asked if the current wall can handle that. Wes Jenkins responded no, I don't know what the plan is now. They can't impose a load on the existing privacy wall. Chairman Ross Taylor asked if they are going to put another wall there. Wes Jenkins responded that we don't know yet.

Commissioner Don Buehner asked if for approval tonight does this issue need to be resolved. Wes Jenkins said we have to be comfortable with it. Commissioner Don Buehner asked if that issue is for tonight or not. Wes Jenkins said that typically it is part of the construction drawings and it may be a note on the final plat saying the wall has to be offset. Assistant City Attorney Victoria Hales added that they may not be able to meet the fence ordinance. Wes Jenkins said they can meet the ordinance if they step the fence back. Assistant City Attorney Victoria Hales countered that when that happens no one maintains the dead space.

Commissioner Don Buehner asked if the Planning Commission is approving levels. Wes Jenkins said the levels are changing. Had the original plan been graded for walk-out we would have had a note saying that the 3 lots had to be walkout unless otherwise approved by staff.

Commissioner Don Buehner asked if the concern then is this may be a disadvantage to the developer if we approve it now with potential legal and other problems. Wes Jenkins said the note probably isn't on there. Assistant City Attorney Victoria Hales said the plat before the Planning Commission has the note to be walk-out basements and that note has to stay until the developer asks to remove it. Commissioner Nathan Fisher added that it has to be developed that way then. Assistant City Attorney Victoria Hales said the 3 lots are noted as walk-out basements so they would have to build that way.

Commissioner Julie Hullinger asked if the item can be tabled until the issue is resolved. Commissioner Nathan Fisher said it would be approved with the walkout requirement. Assistant City Attorney Victoria Hales noted that she isn't sure if it's better for the developer to table or approve something that they do not want. Commissioner Nathan Fisher noted that he would have to come back to us either way. Assistant City Attorney Victoria Hales said that right now you're recommending approval with the three lots as walk-out basements.



Wes Jenkins added that if they change that they'll have to amend the final plat. Chairman Ross Taylor said if we approve tonight than the lots will be required to have walk-outs and he'll have to change it later. Commissioner Nathan Fisher stated that it is on the agenda so we would be guessing what he wants. We can only recommend approval or denial we can't table without his consent.

Assistant City Attorney Victoria Hales asked staff if he is changing his plan.

Wes Jenkins responded that is what we've heard.

Assistant City Attorney Victoria Hales said he can't change it via a text message. If we go forward today the Planning Commission can vote on the proposal before them, or postpone it if it doesn't conform to what he says he wants now.

Chairman Ross Taylor asked where this project is in the development process.

Wes Jenkins responded that the dirt work is done but they haven't installed curb and gutter.

Commissioner Don Buehner added that the grading has changed so much from what it was originally was that it's obvious it will be higher. The lots look like some look into other people's yards and it's all a little strange and not with just these three lots.

Commissioner Nathan Fisher asked how they can do that if they have to follow the construction drawings.

Wes Jenkins responded that they should follow the construction drawings.

Commissioner Nathan Fisher asked Commissioner Don Buehner if the lots are already built up.

Commissioner Don Buehner said yes, they are and in some areas the dirt is higher than the church's privacy wall.

Councilman Joe Bowcutt inserted that if it requires the extension and wall and such he's not planning on another wall being there. He'll have to dig up the dirt.

Commissioner Nathan Fisher repeated that we can't table without his permission.

Bob Nicholson inserted that that isn't correct.

Commissioner Nathan Fisher said his understanding was that tabling had to be with consent.

Bob Nicholson said we can table to get more information.

Commissioner Todd Staheli asked if there is a reason he's not here tonight.

Wes Jenkins replied he wasn't sure why the applicant isn't here.

Commissioner Don Buehner said that tabling would be to the benefit to the developer.

Chairman Ross Taylor noted that if he's making substantial changes he needs to describe the changes and how he's going to accommodate.

- E. Consider approval of a final plat for "**Oakwood Estates Phase 1**" a thirty-three (33) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 3000 East and 3150 South (east side of 3000 East, Little Valley area). Case No. 2014-FP-055. (Staff – Todd J.).

Wes Jenkins presented Item 1E.

Wes Jenkins explained that they did change from the preliminary plat the detention basin lot. They want to move that basin to a future phase lot. What they're really hoping is for a storm drain to be installed to where they won't need a detention basin.

Assistant City Attorney Victoria Hales asked if there are any issues with the 15' landscape strip, grade changes or privacy wall.

Wes Jenkins said there may be an issue but I would have to look at it.

Assistant City Attorney Victoria Hales added that all the final plats are subject to legal approval.

- F. Consider approval of a final plat for **"River Stone Phase 4"** a twenty-one (21) lot residential subdivision. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned R-1-10 (Single Family Residential 10,000 square foot minimum lot size) and is located at approximately 1000 West and 4100 South Street (Riverstone & Las Colinas development). Case No. 2014-FP-052. (Staff – Todd J.).

Wes Jenkins presented item 1F.

Wes Jenkins noted that most of the lots are less than 10,000 square feet in the Riverstone area so they don't meet the 50% lot requirement for lot size averaging. For lot size averaging at least 50% have to meet the zone's square footage requirement. This plat however was approved before the change to the ordinance.

Councilman Joe Bowcutt asked if they meet the requirement or not.

Wes Jenkins replied that the overall density for Riverstone works. Also, the lots on the south changed because land was transferred to Dixie Power.

Chairman Ross Taylor asked for a motion for Item 1D.

**MOTION: Commissioner Don Buehner made a motion to table Item 1D due to the lack of information and confusion regarding the note that requires walk-out basements and the discrepancy on the ground that looks like one level and the lack of information with the plat that would support a one level plan; I move to table until we have more information.**

**SECONDED: Commissioner Diane Adams seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chairman Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion carries, the item will be tabled until the next Planning Commission meeting.**

**MOTION: Commissioner Julie Hullinger made a motion to recommend approval of Items 1A, 1B, 1C, 1E, 1F all subject to legal approval and authorize chairman to sign.**

**SECONDED: Commissioner Todd Staheli seconded the motion.**

**AYES (7)**



**Commissioner Ro Wilkinson**  
**Commissioner Don Buehner**  
**Chairman Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**  
**NAYS (0)**  
**Motion carries.**

2. **FINAL PLAT AMENDMENT (FPA)**

Consider approval of a final plat amendment for **“Las Colinas Phase 3 Amended and Extended”** to amend a previously recorded residential subdivision Final Plat. The representative is Mr. Brad Petersen, Development Solutions. The property is zoned PD-R (Planned Development Residential) and is located at 890 West Street and Las Colinas Drive (Riverstone & Las Colinas developments). Case No. 2014-FPA-047. (Staff – Todd J.)

Wes Jenkins presented Item 2.

Wes Jenkins explained the purpose of this amendment is to increase two lot sizes for larger houses. They are pulling property from a future phase of Riverstone and adding it here to Las Colinas. This does not require a public hearing as they obtained 100% consent for the change.

**MOTION: Commissioner Nathan Fisher made a motion to recommend approval of Item 2 a Final Plat Amendment and authorize chairman to sign.**

**SECONDED: Commissioner Diane Adams seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**  
**Commissioner Don Buehner**  
**Chairman Ross Taylor**  
**Commissioner Nathan Fisher**  
**Commissioner Diane Adams**  
**Commissioner Julie Hullinger**  
**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

*\*\*Discussion continued on the Landmark Site. If listening to the audio, please see Item 3B\*\**

3. **CONDITIONAL USE PERMIT**

A. Consider a request for a Conditional Use Permit to construct a **detached garage** with a maximum ridge height of approximately twenty-four feet six inches (24'-6"). The

structure will be similar materials and color to the existing home and have 680 sq. ft. (20 ft. x 34 ft.) The property is located at 2373 East Mountain Ledge Drive and is zoned RE-12.5. The applicants are Mr. and Mrs. Clark. Case No. 2014-CUP-019 (Staff – Ray S.)

Ray Snyder presented the following:

The garage will be single story with a 14' wall height. The structure will be 3' from the side property line, 4' from the rear property line and 31' from the home. The height is 24'6" to the ridge. The structure will not encroach on any City easements. It will be similar to the home. There will be a small attic space with a pull down ladder. Findings D, G, and J apply.

Assistant City Attorney Victoria Hales asked what the side and rear yard setbacks were.

Ray Snyder replied 3' side yard and 4' rear yard. Because this is an RE and not R-1 zone they can do that. We encourage them to be further than that but they don't have to be.

Reggie Anderson (representative) said the house doesn't really have any storage. This garage will allow for his boat to be in the garage rather than out on the street.

Commissioner Todd Staheli asked if the house behind is a 1 or 2 story home.  
Reggie Anderson stated it is a one story.

Chairman Ross Taylor clarified that there will be no restroom or anything in the garage to require plumbing.  
Reggie Anderson said that is correct.

Commissioner Ro Wilkinson added that the neighbors were notified and don't have any oppositions

Commissioner Don Buehner asked if that is on record.

Ray Snyder said yes, they get letters as well as the City website, State website and City office bulletin boards.

Commissioner Diane Adams inserted that only means we haven't received opposition it doesn't mean they are in favor of the item.

**MOTION: Commissioner Ro Wilkinson made a motion to accept Item 3A, Conditional Use Permit for a detached garage and height as stated based on the aesthetics being in conjunction with the house and that it maintains the character of the zone, and height fits into the surrounding area and subject to legal approval regarding setback.**

**SECONDED: Commissioner Nathan Fisher seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chairman Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**



**NAYS (0)**  
**Motion passes.**

*\*\*If listening to the audio, please jump to the "TRAINING" section\*\**

- B. Consider a request for a Conditional Use Permit to use a **Landmark Site** for a vacation rental. The property is located at 278 N 100 W and is zoned RCC (Residential Central City). The applicants are Mr. and Mrs. Chris Potter. Case No. 2014-CUP-018 (Staff – Ray S).

*\*\*Commissioner Nathan Fisher entered at 5:03 pm\*\**

### **Item 3B Part I**

Ray Snyder presented the following:

This request is to operate a vacation rental from an existing landmark home at 278 N 100 W. It is known as the Erastus Whitehead home. The home was built in the 1880s by George Whitehead. It once was a bed and breakfast.

*\*\*Victoria Hales entered in at 5:04 pm\*\**

The zoning is RCC. The Planning Commission spent a considerable amount of time debating the difference between a bed and breakfast and vacation rental for 252 N Main Street. The City Council considered and approved the request for a vacation rental in a landmark home. Note that this is a similar request.

*\*\*Victoria Hales left at 5:05 pm\*\**

The 'Landmark Section' Section 10-21-3.D permits a B&B but states that the owner must live in the residence. The owner doesn't want to live in the residence which is why the home is coming in for a vacation rental rather than the bed and breakfast. The Council supported the language found under Section 10-21-3 that reads: "*other commercial uses deemed appropriate by the city council . . .*"

In the RCC zone, Section 10-7F-2 "Permitted, Conditional, or Accessory Uses"; 10-7F-2.A reads: "*Any permitted, conditional or accessory use allowed under article B, single-family residential zones, of this chapter shall be considered the same in the RCC zone.*" You can do what is allowed as a conditional use permit in the R-1 zones in the RCC zone as well subject to Planning Commission and City Council.

The R-1 zone is referenced in the RCC zone; Section 10-7B-3"Conditional Uses"; the last paragraph reads "*Other uses recommended by the Planning Commission as being in harmony with the intent of the zone and similar in nature to the nature of the above listed uses.*" The Planning Commission recommends to the council that a vacation rental in a designated landmark home be allowed to be used as a vacation rental as described in the



applicant's narrative and is in harmony with other landmark homes in the R-1 zones previously approved.

*\*\*Victoria Hales entered in at 5:07 pm\*\**

10-17 goes over conditional uses.

Landmark Sites such as this has a code in 10-21-3 regarding conditional uses with certain requirements.

*"The City Council, upon recommendation of the Planning Commission, may permit as a conditional use on landmark sites the following uses:*

*Offices and other commercial uses deemed appropriate by the city council provided the following conditions are satisfied:*

- A. Substantial investment is made to upgrade the property.*
- B. Any renovation shall maintain or enhance the historic, architectural and aesthetic features of the property.*
- C. The proposed use shall generate only minimal traffic or parking demand as determined by the city council.*
- D. For bed and breakfast inns, the owner shall reside in the dwelling.*

Per those requirements please note that the owner will not reside on the premises because it won't be a bed and breakfast rather a short term rental. If you went into a normal single family home there wouldn't be a vacation rental but because it is a landmark home it is allowed.

Planning Commission will have to determine if the use is appropriate and that there is adequate parking. No manager will live on site and the use is similar to other Landmark Sites. On August 21, 2014 the City Council approved a similar case (Julia Graff Home) as a vacation rental and not a bed and breakfast.

Sections 10-21-3 and 3-2P-3 were applied by council allowing for a waiver that no on-site manager was required if the conditions (*listed above*) were adhered to for cleaning and room service. A local property management company will be in charge to insure the cleaning and servicing will occur regularly and comply with the City's conditions.

There are suggested conditions based on the Julia Graff case that the Planning Commission may want to consider:

1. The applicant shall maintain and enhance the level of landscaping existing at the time of this approval.
2. On-site parking shall be approved by city staff.
3. The applicant shall comply with any requirements of the City Traffic Engineer for access.

4. The applicant will comply with city code requirements for hotels, except a waiver is approved for no on-site manager, and rooms will not be required to be cleaned on a daily basis but only upon change of guests. A daily room cleaning service will be available to guests for a fee, and an off-site office will be maintained for record keeping and for guests and others to contact when necessary.
5. At a minimum once a week room cleaning shall occur.
6. Cleaning shall occur between any changes in guests.
7. If the building should revert back to a single family residence use, no other uses will be permitted unless approved through a new and separate CUP.
8. This location is not approved for office or commercial retail usage without the approval of a CUP for such use by City Council.
9. A local property management company shall be employed to ensure that the cleaning and room service conditions are met in lieu of an on-site manager.

If you look at the minutes from PSR he wants the vacation rental and to also have the possibility for a dental office or office space.

Commissioner Don Buehner inserted that the letter seemed that he wanted an opinion on being commercial down the road, he wasn't requesting commercial right now just the short term rental. Chris Potter approached to clarify that he wanted an opinion on a zone change for commercial or multi-family down the road. As far as the conditional use permit, I would want a dental office or attorney or something later.

Commissioner Don Buehner asked for clarification, do you want a dental office now?

Chris Potter said no this is years down the road.

Commissioner Todd Staheli asked if the request tonight is for the short term and the dental even though that use would be way down the road.

Commissioner Ro Wilkinson addressed the applicant stating, you really haven't decided what you want to do at this point.

Chris Potter responded that he has decided now but hadn't at the time of submittal. I do want nightly rentals for a few years to get my investment back on the property.

Commissioner Ro Wilkinson clarified so no bed and breakfast just nightly rentals?

Chris Potter answered that he doesn't want to operate like the Thompson Mansion with suites but would rather rent out the entire house with the exception of maybe one lock-out in the back with a bedroom and bathroom.

Councilman Joe Bowcutt clarified for the applicant; we are only looking at the nightly rental. What happens in the future would have to come back to Planning Commission and City Council. Ray Snyder said that is right, this came to staff just as the vacation rental but I wanted to bring this up just so the applicant could state what he wanted to do.

Councilman Joe Bowcutt added that nothing is automatic he has to come back.

Ray Snyder agreed that the applicant can come back at a later date.

Assistant City Attorney Victoria Hales inserted that tonight is only a conditional use permit for a nightly rental. That is what we're voting on tonight. We can't project what zoning ordinances,



zones, or conditional uses may happen in the future. We do have hotel ordinances and the council has varied those to meet this particular use.

Commissioner Nathan Fisher addressed the applicant stating that for each use he would need to come before the Planning Commission and City Council.

Chris Potter added that the property has a lot of parking. I want to put some money into it and clean it up.

Assistant City Attorney Victoria Hales inserted that the conditional use permit does run with the land so if he were to sell this it would continue on. However, the Julie Graff CUP had conditions stating that if it were to sell then it would have to come back for any uses.

Bob Nicholson said this used to be a bed and breakfast, and then they came in with bed and breakfast, plus massage.

Assistant City Attorney Victoria Hales clarified that her comments were on the one that was just approved because the hotel ordinance applied. That conditional use permit was based on some factors being added towards the cleaning at change of guest and some other requirements that Ray outlined that made it a hybrid hotel/vacation rental.

Commissioner Nathan Fisher asked if it is done under a conditional use permit the hotel ordinance doesn't apply but there were some hotel ordinance parts that were applicable and added.

Assistant City Attorney Victoria Hales said that is correct.

Commissioner Nathan Fisher continued stating that staff had mentioned that the short term rentals in single family zones didn't apply because it's a landmark home.

Assistant City Attorney Victoria Hales said that is right. We decided to apply different standards for the landmark homes.

Commissioner Nathan Fisher addressed the applicant saying that if he were to come forward for offices later another conditional use permit would be filed because it's a landmark property.

Assistant City Attorney Victoria Hales said right, it would come back under another landmark conditional use permit.

Chris Potter asked if this is approved as nightly rentals does that disallow the bed and breakfast.

Commissioner Todd Staheli said that whatever you get it approved as will go with the next owner.

Commissioner Nathan Fisher said if you wanted to add things to broaden the uses, it would have had to be in our noticing. We need all the details up front.

Bob Nicholson clarified that the question is whether the nightly rental will cancel out the ability for a bed and breakfast.

Councilman Joe Bowcutt replied that it will also ask if the spa and such is allowed. It seems backwards to me.

Assistant City Attorney Victoria Hales said this is a new conditional use permit that replaces the old use. If you want a bed and breakfast it would be more readily allowed than what is before us tonight.

Commissioner Nathan Fisher said that conditional use permits don't stack.

Assistant City Attorney Victoria Hales inserted that a bed and breakfast would have been more allowable.

Commissioner Diane Adams asked if the transaction doesn't go through, Chris is not the owner of the property, so if we change it and the sell doesn't go through and we have approved a conditional use permit for a vacation rental what happens to the bed and breakfast owner?

Assistant City Attorney Victoria Hales said she was unaware that the applicant didn't own the property.

Commissioner Nathan Fisher inserted that we can't approve an application brought in by not the owner.

Chris Potter stated that the last nightly rental that was approved was not by the owner; that was a condition on closing.

Bob Nicholson said Chris is correct; however the owner was part of the whole process.

Chris Potter advised that the bank owns it right now.

Commissioner Nathan Fisher said they can still give consent.

Commissioner Don Buehner asked if Planning Commission can make the conditional use permit subject to the transaction going through.

Assistant City Attorney Victoria Hales said it would be subject to him acquiring the property.

Councilman Joe Bowcutt said that adding that part of acquiring is fine but subject to the owner; the owner isn't here to say anything.

Commissioner Don Buehner said the real issue is whether Mr. Potter buys it or not. Can't we say this is subject to his purchase? Is this feasible?

Commissioner Nathan Fisher replied that what we want is the consent of the owner.

Commissioner Don Buehner asked if we can make it conditional to the acquisition and then it doesn't take effect unless he owns the property.

Councilman Joe Bowcutt countered that if it goes with the land it doesn't go with the guy who buys it. I think the owner needs to be advised.

Assistant City Attorney Victoria Hales stated that she would need to look into it.

Commissioner Nathan Fisher asked what the application requires. If it requires an owner signature, than we need to follow that. I would be surprised if owner consent isn't part of it.

Commissioner Todd Staheli asked if approval of short term rentals is part of the contract.

Chris Potter replied, no.

Commissioner Don Buehner stated that he's trying to find a way to encourage this effort. The work he wants to put in is great.

Assistant City Attorney Victoria Hales inserted that the motion can be subject to legal or I can excuse myself to look into it.

Councilman Joe Bowcutt cautioned that if I were the bank and found that you changed the use to something better I would try to sell it to someone else for a better price.

Commissioner Don Buehner repeated that I would say this is subject to him obtaining the property. It can't happen if he doesn't acquire the property; the bank would not be affected.

Commissioner Nathan Fisher advised that the Commission should allow legal to step away for a moment.

Councilman Joe Bowcutt said he is in favor of any improvement for this property.

Ray Snyder said that normally a conditional use permit goes from Planning Commission to City Council. Can they recommend something and then everything can be received from the bank before City Council?

Chairman Ross Taylor asked if our advisory action today can move forward.

Assistant City Attorney Victoria Hales asked to postpone the vote to look into the matter.

Chris Potter agreed to postpone the vote for legal review.



*\*\*Assistant City Attorney Victoria Hales stepped away at 5:33 pm\*\**

*\*\*John Willis introduction\*\**

*\*\*If following along with the audio, please see Item 1 FINAL PLATS\*\**

### **Item 3B Part II**

Assistant City Attorney Victoria Hales said that the Planning Commission may act on this item because the applicant has interest in the property.

Chairman Ross Taylor reiterated that the tonight's conditional use permit is for a vacation rental only and any other use would have to come forward for another conditional use permit.

Assistant City Attorney Victoria Hales asked staff to relist the previous conditions.

Ray Snyder relisted the conditions:

1. The applicant shall maintain and enhance the level of landscaping existing at the time of this approval.
2. On-site parking shall be approved by city staff.
3. The applicant shall comply with any requirements of the City Traffic Engineer for access.
4. The applicant will comply with city code requirements for hotels, except a waiver is approved for no on-site manager, and rooms will not be required to be cleaned on a daily basis but only upon change of guests. A daily room cleaning service will be available to guests for a fee, and an off-site office will be maintained for record keeping and for guests and others to contact when necessary.
5. At a minimum once a week room cleaning shall occur.
6. Cleaning shall occur between any changes in guests.
7. If the building should revert back to a single family residence use, no other uses will be permitted unless approved through a new and separate CUP.
8. This location is not approved for office or commercial retail usage without the approval of a CUP for such use by City Council.
9. A local property management company shall be employed to ensure that the cleaning and room service conditions are met in lieu of an on-site manager.

Also you still have the findings that are listed as well, items A-K. Most were not applicable, however D may apply concerning aesthetics, F for parking may apply but the site does have parking, and J does apply concerning the historical character of the home.

Commissioner Nathan Fisher added that ownership of the property will be another condition. Assistant City Attorney Victoria Hales clarified that approval is on the condition that the applicant obtain ownership or lease hold of the property.

Ray Snyder indicated that if the item is recommended for approval it will be heard by City Council in two days.

Councilman Joe Bowcutt asked if, in the normal overlay for rental I think the max time someone can stay is 29 days, does that apply?

Assistant City Attorney Victoria Hales replied that the 29 days is considered short term rental. Councilman Joe Bowcutt said right, but he's renting the whole house. Commissioner Nathan Fisher inserted that this approval gives him the opportunity to rent for any length of time.

**MOTION: Commissioner Don Buehner made a motion to recommend to City Council approval of the Conditional Use Permit along with the suggested conditions from staff numbers 1-9 with the additional condition that approval is based on the applicant obtaining ownership or lease hold to protect the current owner and also with the note on the findings letter J to maintain the character and purpose of this zone and the historic nature of the home and because it appears to be a great investment.**

**SECONDED: Commissioner Todd Staheli seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chairman Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Motion passes.**

*\*\*Discussion on the definition of short term rentals\*\**

*\*\*Discussion on the tabling of the final plat\*\**

*\*\*If listening to the audio, please see Item 3A\*\**

### **TRAINING**

Commissioner Don Buehner relayed his experience at ULCT:

I learned that there are some innovative and great things going on. Mobility or active transportation was a big topic as well as clean air and clean water. I didn't learn anything in particular to what we do but it is nice to see that the state has some great ideas.

Commissioner Nathan Fisher relayed his experience at ULCT:

One as we get creative we need to make sure we're not imposing on developers. If you're widening sidewalks and landscapes that imposes on what the ordinance may currently be. For us in regards to open meetings we have to be careful that our goal is always transparency and that is if we leave here and keep talking out in the parking lot; that can be considered a meeting. If something is of concern to us we need to have it on the record and we need to maintain that transparency. Citizens are concerned that we do things outside of the open process.

### **ADJOURN**



**MOTION: Commissioner Diane Adams made a motion to adjourn.**

**SECONDED: Commissioner Ro Wilkinson seconded the motion.**

**AYES (7)**

**Commissioner Ro Wilkinson**

**Commissioner Don Buehner**

**Chairman Ross Taylor**

**Commissioner Nathan Fisher**

**Commissioner Diane Adams**

**Commissioner Julie Hullinger**

**Commissioner Todd Staheli**

**NAYS (0)**

**Meeting adjourned at 6:26 pm.**